

### REMARKS

Claims 1-10 are pending in the application. Claims 1-10 stand rejected.

Claims 7 and 8 are found to be allowable if amended to overcome a 112 rejection.

Claims 7, 8 and 10 have been amended herein to clarify the claimed invention by implementing the suggestion of the Examiner.

It is respectfully requested the rejection of claims 7, 8 and 10 under 35 U.S.C. § 112 be withdrawn.

Claims 11 has been newly added. Claim 11 is based upon the original specification. No new matter is entered.

#### Claim Rejections

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fijolek et al. (Fijolek) in view of Wong et al. (Wong).

In the Office Action "Response to Arguments" section it appears the Examiner relies on Fig. 17 of the reference and argues that the CMTS sends an offer message to the CPE which contains an IP address, the CPE sends a request back to the CMTS as to the acquired IP address. The CMTS sends an ACT message to the CM, the CM then updates its tables and sends an ACT to the CPE.

It is believed that the Examiner is contending that this means that the CM is detecting the IP address in the DHCP message to the subscriber terminal. Applicant contends that the terminal may detect the IP address that was in the DHCP message but the reference detects it from the ACT message which is sent to the CM.

It is respectfully submitted that claim 1 states detecting the IP address from the DHCP message, the claim does not simply state detecting the IP address in the DHCP message. Also the DHCP message is sent to and from the subscriber terminal in contrast to the ACT message.

Clearly the cited reference may detect the IP address that was in the DHCP message sent to the subscriber terminal BUT it is detected from the ACT message. It is respectfully submitted that it is clear from Fig. 17 and the reference that the CM does not detect the IP address from the DHCP message but detects the IP address from the ACT message.

It is respectfully submitted that the combination of references fails to teach at least the above argued feature of applicant's claimed invention.

If the Examiner believes a telephone interview would be helpful, the Examiner is invited to telephone the applicant's representative indicated below.

It is respectfully submitted that the combination of Fijolek and Wong fails to disclose the claimed features of claims 1, 2 and 10 which each recites at least the above distinguishing features.

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Fijolek in view of Wong and further in view of Takahara et al. (6,078,583); claims 2 and 4 are also rejected as unpatentable over Fijolek, Wong and further in view of Philippou et al. (6,385,648). Claim 6 is rejected as unpatentable of Fijolek, Wong, Philippou et al. and Takahara et al.

It is respectfully submitted that none of the additional references teaches the lacking features of the combination of Fijolek and Wong with regard to claim 1. Each of the cited claims is dependent upon claim 1 and includes at least the above distinguishing features plus additional features. It is respectfully requested the rejections be withdrawn.

New claim 11 states "wherein said IP address detector detects the IP address from the DHCP message sent to the subscriber terminal when the DHCP message is transmitted to the subscriber terminal."

The cited reference does not detect the IP address from the DHCP message but from the ACT message as described in Fig. 17 of the reference.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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Docket No.: FUJZ 18.491 (100794-11708)

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